

Notice of Allowability	Application No.	Applicant(s)
	09/649,937	GARLAND ET AL.
	Examiner Philip B. Tran	Art Unit 2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS**. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to 09/16/2005.
2. The allowed claim(s) is/are 1,2,5-7,10,11,14,16,17 and 20-24.
3. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some*
 - c) None
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date 2.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application (PTO-152)
6. Interview Summary (PTO-413),
Paper No./Mail Date Attached.
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.



PRIMARY EXAMINER

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Mr. MacIntyre (Reg. No. 41,170), the undersigned, on December 09, 2005. The application has been amended as follows:

IN THE CLAIMS:

Claims 3-4, 8-9, 12-13, 15 and 18-19 have been canceled.

Claims 1, 6, 11 and 16 have been amended.

Claim 1 has been amended as follows:

1. (Currently Amended) In a communication system including a switch coupled with Customer Premises Equipment (CPE) and an application server coupled with the switch, a method for sending a server-specified message to the CPE without setting up a call path between the application server and the CPE, the method comprising the steps of:

sending a request from the application server to the switch; and
style="padding-left: 40px;">sending, based upon the request, a predetermined server-specified message from the switch to the CPE without setting up a call path between the application server

and the CPE, wherein the CPE is not rung and the predetermined server-specified message is not affected by features of the CPE [.] :

sending a return message from the CPE to the switch without setting up a call path between the application server and the CPE; and
sending a status message based upon the return message from the switch to the application server without setting up a call path between the application server and the CPE.

Claim 6 has been amended as follows:

6. (Currently amended) A switch comprising:
means for receiving a request from an application server;
means for determining the type of Customer Premises Equipment (CPE) message based upon the request; and
means, responsive to the type of message, for sending a predetermined server-specified message to a Customer Premises Equipment (CPE) coupled to the switch without setting up a call path between the application server and the CPE, wherein the predetermined server-specified message is not being affected by features assigned to the CPE [.] :

means for receiving a return message from the CPE to the switch without setting up a call path between the application server and the CPE; and

means for sending a status message based upon the return message from the switch to the application server without setting up a call path between the application server and the CPE.

Claim 11 has been amended as follows:

11. (Currently amended) A switch comprising:

an input port effective in receiving a request from an application server;

a processor effective in determining the type of message based upon the request; and

an output port effective in sending, responsive to the type of request, a predetermined server-specified message to a Customer Premises Equipment (CPE) coupled to the switch without setting up a call path between the application server, the switch, and the CPE wherein the predetermined server-specified message and is not being affected by features of the CPE [I.] :

a CPE port effective in receiving a return message from the CPE without setting up a call path between the application server and the CPE; and
an acknowledgment port effective in sending a status message based upon the return message from the switch to the application server without setting up a call path between the application server and the CPE.

Claim 16 has been amended as follows:

16. (Currently amended) A communication system for sending predetermined messages to Customer Premises Equipment (CPE) without setting up an end-to-end call path, the communication system comprising:

an application server;

a Customer Premises Equipment (CPE); and

a switch coupled to the application server and the CPE, the switch effective in receiving a request from the application server and effective in sending, based upon the request, a predetermined server-specified message to the CPE without setting up an end-to-end call path between the CPE and the application server, wherein the predetermined server-specified message is not affected by features of the CPE, the switch further being effective in receiving a return message from the CPE without setting up a call path between the application server and the CPE, the switch further being effective in sending a status message based upon the return message from the switch to the application server without setting up a call path between the application server and the CPE.

REASONS FOR ALLOWANCE

3. Claims 1-2, 5-7, 10-11, 14, 16-17 and 20-24 are allowable over the prior art of record.

4. This communication warrants no examiner's reason for allowance, as applicant's reply makes evident the reason for allowance, satisfying the record as whole as required by rule 37 CFR 1.104 (e). In this case, the substance of applicant's remarks filed on 9/16/2005 with respect to the amended claim limitations point out the reason claims are patentable over the prior art of record. Thus, the reason for allowance is in all probability evident from the record and no statement for examiner's reason for allowance is necessary (see MPEP 13202.14).

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip B. Tran whose telephone number is (571) 272-3991. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Philip Tran
Philip B. Tran
Primary Examiner
Art Unit 2155
December 09, 2005